

377. Adulteration and misbranding of butter. U. S. v. 41 Boxes of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 1599. Sample No. 85879-D.)

On March 1, 1940, the United States attorney for the Southern District of New York filed a libel against 41 boxes of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about February 17, 1940, by the Sunflower Creamery from Manhattan, Kans.; and charging that it was adulterated. It was labeled in part: "Butter Distributed by Hunter, Walton & Co., New York N. Y."

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading since it contained less than 80 percent of milk fat.

On March 12, 1940, the Sunflower Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked so that it contain 80 percent of butterfat.

378. Adulteration of butter. U. S. v. 16 Cubes of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 1499. Sample No. 72139-D.)

On or about February 8, 1940, the United States attorney for the Western District of Missouri filed a libel against 16 cubes of butter at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about January 25, 1940, by Harding Cream Division, Sugar Creek Creamery, from Salina, Kans.; and charging that it was adulterated.

Adulteration was alleged in that a product which contained less than 80 percent by weight of milk fat had been substituted wholly or in part for butter; and in that a valuable constituent, milk fat, had been in whole or in part omitted or abstracted from the article.

On February 9, 1940, Harding Cream Division, Sugar Creek Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked so that it contain not less than 80 percent of milk fat.

379. Adulteration and misbranding of butter. U. S. v. 175 Pounds of Creamery Butter. Default decree of condemnation and destruction. (F. D. C. No. 783. Sample No. 75542-D.)

On October 13, 1939, the United States attorney for the Southern District of Ohio filed a libel against 175 pounds of butter at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce on or about October 9, 1939, by the Rising Sun Creamery Co. from Rising Sun, Ind.; and charging that it was adulterated and misbranded. It was labeled in part: "Blue Ribbon Creamery Butter * * * Packed Expressly for The Goyert & Vogel Co., Cincinnati, Ohio."

It was alleged to be adulterated in that a product deficient in milk fat since it contained less than 80 percent by weight of milk fat, had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," a product which should contain not less than 80 percent by weight of milk fat.

On December 1, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

380. Adulteration and misbranding of butter. U. S. v. 46 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 1588. Sample Nos. 89411-D, 89415-D.)

On February 20, 1940, the United States attorney for the Northern District of Illinois filed a libel against 46 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about February 1, 1940, by Enid Cooperative Creamery Association from Enid, Okla.; and charging that it was adulterated and misbranded.

It was alleged to be adulterated in that a valuable constituent, milk fat, had been in whole or in part omitted therefrom; and in that an article containing less than 80 percent by weight of milk fat had been substituted wholly or in part for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading since it contained less than 80 percent of milk fat.

On February 21, 1940, Dauber Bros., Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the